

Appl. No.: 10/825,496
Response dated July 31, 2006
Reply to Restriction Requirement of June 30, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/825,496
Applicant : John C. Sullivan et al.
Filed : April 15, 2004
Title : CUSTOMIZABLE WOBBLE OBJECTS (*as amended*)

Docket No. : 35502US1

Conf. No. : 8554
Art Unit : 3632
Examiner : Kien T. Nguyen


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AND ELECTION

Sir:

This communication is filed in response to the Office action dated June 30, 2006.
The one-month period for responding to the Office action expires on July 31, 2006, as
July 30, 2006 falls on a Sunday.

I hereby certify that this correspondence is being transmitted via facsimile to the United States
Patent and Trademark Office at 571-273-8300 on the date indicated below.


Una L. Lauricia

Signature of Attorney

7.31.06
Date

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The examiner has required the election of a single species for prosecution on the merits. Specifically the examiner divided the present application into the following ten groups:

- Group 1: Figs. 1-20;
- Group 2: Figs. 21-25;
- Group 3: Figs. 26-29;
- Group 4: Fig. 30;
- Group 5: Fig. 31;
- Group 6: Fig. 32;
- Group 7: Fig. 33;
- Group 8: Fig. 34;
- Group 9: Fig. 34; and
- Group 10: Fig. 35.

It is noted that groups 8 and 9, as identified by the examiner are identical. Further, the present application contains Figs. 36-48, which were not classified into any of the above-listed groupings. Accordingly, it is requested that the examiner specify in which groups Figs. 36-48 of the present invention are classified.

In compliance with the requirement, applicant elects, with traverse, to proceed with the prosecution of Group 1: Figs. 1-20, which includes claims 1-5, 10, 15-19, 22-25, 29, 31-32, 40-43, 45, 52-53, and 55-58.

This restriction is traversed for at least the following reasons. In addition to claim 1, which the examiner has acknowledged as being generic to each of the identified groups, Applicants submit that at least claim 40 is also generic to each of the identified groups. Specifically, each of the groups include: a background image and a wobble image, wherein the wobble image is adapted to wobble back and forth in a clockwise and counterclockwise manner with respect to the background image. Thus, if claim 40 is allowed, Applicants request the consideration of claims to additional groups which depend from or otherwise require all the limitations of claim 40 in accordance with 37 CFR 1.141.

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If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 35502US1.

Respectfully submitted,
PEARNE & GORDON LLP

A handwritten signature in black ink, appearing to read 'Una L. Lauricia', is written over a horizontal line.

Una L. Lauricia, Reg. No. 48998

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